

SUPREME JUDICIAL COURT

Boston, Massachusetts 02108

NOTICE OF APPROVAL

Notice is hereby given that the Supreme Judicial Court has approved and promulgated rules as further indicated below.

MARGARET MARSHALL
Chief Justice

1. Court Submitting Rules for Approval:

Committee on Judicial Ethics (CJE)

2. Date Rules Submitted for Approval:

May 26, 2010

3. Date Approved and Promulgated by the Supreme Judicial Court:

September 7, 2010

4. Rules or Rules, or Amendments Thereto, Approved and Promulgated:

Second sentence of Rule 1 of the Committee on Judicial Ethics

amended to read as follows: A request may only be made by

a judge, a person who has been nominated to be a judge, or, with

respect to compliance with Section 6A(2), a judge who has retired

or resigned from judicial office.

Effective date: September 15, 2010

(The original of this notice is to be filed in the office of the Clerk of the Supreme Judicial Court for the Commonwealth, and a copy to be sent by the Clerk to the court which requested approval of the rules.)

May 26, 2010

Honorable Roderick L. Ireland
Chair, Supreme Judicial Court Rules Committee
John Adams Courthouse
One Pemberton Square
Boston, Massachusetts 02108 - 1735

Dear Justice Ireland,

I write at the invitation of the Justices to address a gap in the Rules of the Committee on Judicial Ethics that precludes the Committee on Judicial Ethics from giving advice to newly retired judges even though judges are subject to the strictures of Section 6(A)2 for six months after leaving the bench. Section 6A(2) reads:

"A judge who has retired or resigned from judicial office shall not, for a period of six months following the date of retirement, resignation, or most recent service as a retired judge pursuant to G.L. c. 32, § 65E-G, perform court-connected dispute resolution services except on a pro bono publico basis, enter an appearance, or accept an appointment to represent any party in any court of the Commonwealth."

As it presently reads the second sentence of Rule 3:11(1) of the Rules prohibits the Committee from responding to queries regarding Section 6(A)2 from retired judges. "A request may only be made by a judge or a person nominated to be a judge." The Committee recommends that the sentence be modified to read "A request may only be made by a judge, a person who has been nominated to be a judge, or, with respect to compliance with Section 6A(2), a judge who has retired or resigned from judicial office."

If you should find it helpful I would be happy to discuss this with you at your convenience. I can be reached at 617.788.8149.

Sincerely,

Raymond J. Brassard
Chair, Committee on Judicial Ethics
Associate Justice
The Superior Court